

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

JAMES C. MANN (CABN 221603)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612
Telephone: (510) 637-3705
Facsimile: (510) 637-3724
E-Mail: James.C.Mann@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-07-0776 CW
)	
Plaintiff,	)	STIPULATED REQUEST TO VACATE
	)	HEARING DATE TO MARCH 26, 2008
v.	)	AND TO EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT
RUDY VARVEL,)	
)	
Defendant.	)	Date: March 5, 2008
	)	Time: 2:00 p.m.
	)	Court: Hon. Claudia Wilken

The above-captioned matter was set on March 5, 2008 before this Court for motions, trial setting, or disposition. The parties request that the Court continue the hearing to March 26, 2008 at 2:00 p.m. and that the Court exclude time under the Speedy Trial Act between March 5, 2008 and March 26, 2008.

Although the currently pending indictment involves only two attempted bank robberies, the case involves a number of additional actual bank robberies. The government has already produced substantial discovery and intends to produce additional discovery shortly. Defendant, therefore, requires additional time to review the discovery produced and to be produced by the government, to investigate this matter, and to effectively prepare for the hearing taking into account the exercise of due diligence. The extension is not sought for delay. The parties agree

1 the ends of justice served by granting the continuance outweigh the best interests of the public
2 and the defendant in a speedy trial. Undersigned defense counsel represents that she has spoken
3 with her client, Mr. Varvel, and that Mr. Varvel agrees to this request. Therefore, the parties
4 further stipulate and request that the Court exclude time between March 5, 2008 and March 26,
5 2008 under the Speedy Trial Act for the reasons stated above and pursuant to 18 U.S.C. §
6 3161(h)(8)(B)(iv).

7
8 DATED: February 27, 2008
9

10
11 /s/
12 JAMES C. MANN
Assistant United States Attorney
Counsel for United States

13
14 /s/
15 JOYCE LEAVITT
Assistant Federal Public Defender
Counsel for Rudy Varvel
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-07-0776 CW
12 Plaintiff,)	
13 v.	)	[PROPOSED] ORDER GRANTING
14	)	STIPULATED REQUEST TO VACATE
15 RUDY VARVEL,	)	HEARING DATE TO MARCH 26, 2008
16 Defendant.	)	AND TO EXCLUDE TIME UNDER THE
	)	SPEEDY TRIAL ACT
)	
	)	Date: March 5, 2008
	)	Time: 2:00 p.m.
	)	Court: Hon. Claudia Wilken

17
18
19 The parties jointly requested that the hearing in this matter be moved from March 5, 2008
20 to March 26, 2008, and that time be excluded under the Speedy Trial Act between those dates to
21 allow the government time to produce additional discovery and Defendant additional time to
22 review the discovery, to investigate this matter, and to effectively prepare for the hearing taking
23 into account the exercise of due diligence. For these stated reasons, the Court finds that the ends
24 of justice served by granting the continuance outweigh the best interests of the public and the
25 defendant in a speedy trial. Good cause appearing therefor, and pursuant to 18 U.S.C. §
26 3161(h)(8)(B)(iv),

27 **IT IS HEREBY ORDERED** that the status hearing in this matter is moved from March
28 5, 2008 to March 26, 2008 at 2:00 p.m., and that time between March 5, 2008 and March 26,

2008 is excluded under the Speedy Trial Act to allow for the effective preparation of counsel,
taking into account the exercise of due diligence.

DATED: _____

HON. CLAUDIA WILKEN
United States District Judge